

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

House Bill 4393

(BY DELEGATE SHOTT)

[Originating in the Committee on the Judiciary;

February 3, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section
 2 designated §61-7-15a, relating to enhanced penalties for use of a firearm during
 3 commission of a felony; providing for enhanced penalties for use of a firearm during
 4 commission of a felony; and providing exceptions to such enhanced penalties.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §61-7-15a, to read as follows:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-15a. Enhanced penalty for use of firearm during commission of felony.

1 (a) Except to the extent that a greater minimum sentence is otherwise provided by any
 2 other provision of law, any person who uses or displays a firearm during the planning or
 3 commission of any felony shall, in addition to the punishment provided for such felony, be
 4 sentenced to an additional term of imprisonment in a state correctional facility of five years, which
 5 sentence may not be reduced or suspended.

6 (b) Except to the extent that a greater minimum sentence is otherwise provided by any
 7 other provision of law, any convicted felon who uses or displays a firearm during the planning or
 8 commission of any felony shall, in addition to the punishment provided for such felony, be
 9 sentenced to an additional term of imprisonment in a state correctional facility of ten years, to run
 10 consecutively, not concurrently, which sentence may not be reduced or suspended.

11 (c) Unless otherwise provided in this code, the provisions of this article do not apply to a
 12 person who in good faith employs the use of a firearm, in self-defense or the defense of others,
 13 against another person who is perpetuating violence or the threat of violence.

NOTE: The purpose of this bill is to provide for enhanced penalties for use of a firearm during commission of a felony, and it also provides exceptions to such enhanced penalties

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.